

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

DANNY BUTLER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV275-WHB-LRA

LAWRENCE KELLY, WARDEN, ET AL

DEFENDANTS

ORDER

This cause came to be heard upon the Report and Recommendation of United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause on November 9, 2006, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge James C. Sumner entered on November 9, 2006, be, and the same is hereby, adopted as the finding of this Court, and the Petition for Writ of Habeas Corpus filed by Danny Butler is dismissed with prejudice.

IT IS FURTHER ORDERED that Respondent's "Motion to Dismiss as Improper, or Alternatively, for Failure to State a Claim Upon Which Relief Can Be Granted or, Alternatively, for Lack of Merit" [docket entry #9] is hereby granted and this case is dismissed with prejudice.

A separate judgment will be entered dismissing this cause of action with prejudice

SO ORDERED this the 29th day of December, 2006.

s/William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE